

ORDINANCE NO. 07- 312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTERS 12.08, 13.08, 13.24, 14.02, 14.06-12, 14.13, 14.40, 14.74, 14.80 AND 14.82 PERTAINING TO UTILITY UNDERGROUNDING, SUBDIVISION EXCEPTIONS, PARKLAND DEDICATION, ZONING DEFINITIONS, R1 DISTRICT REGULATION CORRECTIONS, R1-S DISTRICT REBUILDING, CN DISTRICT ALLOWED USES, PARKING REGULATIONS, AND VARIANCE APPLICATIONS

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 12.68 is hereby added to Title 12:

Chapter 12.68

UNDERGROUNDING UTILITIES.

Sections:

12.68.010 Purpose.

12.68.020 Undergrounding Utilities

12.68.010 Purpose.

The purpose of this chapter is to improve and maintain the visual quality and public and private views in the city, as well as to protect and enhance the health and quality of life of its citizens, by reducing the visual blight created by overhead utilities.

12.68.020 Undergrounding Utilities

It is the intent of the City to ensure that all new utility services, and relocated existing utility services, are placed underground. Therefore, the following shall apply:

- A. In areas served by existing overhead facilities, all new service drops shall be installed underground from the most convenient existing pole.
- B. In locations where existing overhead facilities are in a rear yard easement, a new service drop may be served overhead if this is the last possible lot that will be served by the particular pole. If two or more possible services may be served from the pole, they shall be underground, and an underground riser shall be installed adequate to serve all possible future services.
- C. Relocations and extensions of existing overhead facilities shall be prohibited; provided, however, relocation of existing poles shall be permitted in some instances pursuant to section 13.20.160 of Title 13 of the Municipal Code.
- D. The building official may grant exceptions to these requirements in cases where access across adjacent property is necessary, but is not legally or practically available.

SECTION 2. AMENDMENT OF CODE: Sections 13.08.050, 13.08.060, and 13.08.070 of Title 13 are hereby deleted, and the remaining sections renumbered accordingly:

SECTION 3. AMENDMENT OF CODE: Subsections 13.24.010(A) and (B) of Title 13 are hereby replaced with the following – subsections 13.24.010(C) through (I) remain unchanged:

A. Purpose. The provisions of this section are enacted pursuant to the authority granted by Section 66477 of the Government Code of the state. As used in this section, "subdivision map" shall include a subdivision map or a parcel map.

B. Requirements. As a condition of approval of a final subdivision or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or a combination of both at the option of the city, for park or recreational purposes according to the following standards:

1. Dedication of sites. Where the need for a park or recreational facility has been identified in the General Plan of the city, and the park or facility is to be located, in whole or in part, within a proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall be required to dedicate land for park and recreational facilities sufficient in size to serve the residents of the subdivision area. The park land to be so dedicated shall conform to the locations, policies, and standards set forth in the General Plan of the city. The slope, topography, and geology of the site, as well as its surroundings, shall be suitable for the intended park or recreation purpose. The amount of land to be provided shall be determined pursuant to the standards set forth in subsections (C) through (H) of this section establishing the formula for land dedication or for payment in lieu thereof. Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

2. Fees in lieu of land dedication. If there is no park or recreational facility designated or required in whole or in part within a proposed subdivision, the subdivider shall be required to pay a cash payment in lieu of the land equal to the value of the land as determined by the provisions of subsections (C) through (H) of this section. A fee in lieu of such land dedication shall be required when:

- a. No need for a park or recreational facility has been identified in the General Plan; or
- b. When dedication is impossible, impractical, or undesirable; or
- c. When the proposed subdivision contains fifty (50) parcels of land or less and no park or recreational facility is designated in the subdivision.

3. Dedication and fees required. In certain subdivisions in excess of fifty (50) parcels of land, a combination of land dedication and fee payment may be required. These shall be subdivisions in which:

- a. Only a portion of the land to be subdivided is proposed in the General Plan as the location for a park or recreational facility, in which case that land, or a portion thereof within the subdivision, shall be dedicated for park purposes, and a fee shall then be required in lieu of any additional land that would have been required to be dedicated pursuant to the provisions of this section; or
- b. A major part of the park or recreation site falling within the subdivision has already been acquired, and only a small portion of land is needed from the subdivider to complete the park or recreation site, in which case the land needed shall be required for dedication, and a fee shall then be required in lieu of the additional land that would have been required to be dedicated pursuant to the provisions of this section.

4. Use of and basis for in-lieu fees. The money collected pursuant to the provisions of this section shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision from which fees are collected. Fees so collected shall be used to purchase land or, if the council deems that there is sufficient land available for the subdivision, for improving such land for park and recreational purposes, buying equipment, or constructing improvements in neighborhood and district park and recreational facilities. The fee so required shall be based on the fair market value of the lands available for park purchase as determined by the provisions of subsection (G) of this section.

SECTION 4. AMENDMENT OF CODE: Section 14.02.070 of Title 14 is hereby amended by adding two new definitions, and by replacing two existing definitions, per the following:

“Cocktail lounge” means a business establishment which has, as its primary business, the sale of alcoholic beverages for consumption on the premises and where, if food is served, it is incidental to the sale of beverages.

“Coverage” means the percentage of net site area covered in structures in excess of six feet in height measured to the outside surfaces of exterior walls and the perimeter of any supports.

“Gross floor area” means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages, and enclosed accessory structures. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet.

Gross floor area does not include: porches, verandas, balconies, alcoves, or other similar elements, which are open on at least one side; basements or attic areas; unenclosed accessory structures; exterior roof overhangs or chimney projections; interior heights less than five feet; or structures under six feet in height.

“Yard” means an area within a lot, adjoining and measured from a lot, street, or plan line for a specified distance, open and unobstructed except for the uses and structures otherwise permitted the regulations of this chapter:

1. Yard measurement. Required yards shall be measured as the minimum horizontal distance from the lot line to a line parallel thereto on the site.

2. “Front yard” means a yard measured into a lot from the front lot line, extending the full width of the lot.

3. “Rear yard” means a yard measured into a lot from the rear lot line, extending the full width of the lot, provided that for lots having no defined rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth to a line parallel to the front lot line. On a corner lot, the rear yard shall terminate at the exterior side yard.

4. “Side yard” means a yard measured into a lot from a side lot line. An exterior side yard is a side yard measured from an exterior lot line or a street or plan line, extending between the front yard and the rear lot line; an interior side yard is a side yard measured from an interior lot line, extending between the front yard and the rear yard.

SECTION 5. AMENDMENT OF CODE: Subsections 14.06.100(E), 14.08.100(D), 14.10.100(D) and 14.12.100(D) of Title 14 are hereby replaced with the following:

14.06.100(E)

E. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.250.

14.08.100(D)

D. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.250.

14.10.100(D)

D. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.250.

14.12.100(D)

D. Television and radio antennas, chimneys, and other similar appurtenances may project above the daylight plane as provided for in Section 14.66.250.

SECTION 6. AMENDMENT OF CODE: Section 14.13.080 of Title 14 is hereby added per the following:

14.13.080 Replacement of an Existing Two-Story Structure

An existing two-story home within an R1-S district that is damaged or destroyed by fire or other calamity, by act of God, or by a public enemy may be reconstructed as a two-story home pursuant to the underlying R1-10 zoning regulations and design review requirements. This redevelopment right does not apply to two-story structures voluntarily removed.

SECTION 7. AMENDMENT OF CODE: Subsection 14.26.020(A) of Chapter 14.26 is hereby replaced with the following:

A. "Apartment" shall mean, for the purposes of this chapter only, a dwelling in a structure designed or used to house four or more families living independently of each other.

SECTION 8. AMENDMENT OF CODE: Subsection 14.40.050 of Title 14 is hereby replaced with the following,

14.40.050 Limited conditional uses (CN).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted except within fifty (50) feet of an R1 District:

- A. Animal clinics;
- B. Cocktail lounges;
- C. Commercial recreation;
- D. Drive-through facilities, except car washes;
- E. Laundry and dry cleaning establishments, including self-serve dry cleaning;
- F. Printing shops;
- G. Recycling facilities: large collection facilities as provided for in Chapter 14.68;
- H. Service stations provided the site has at least one hundred (100) feet of frontage on a street with a minimum site area of twenty thousand (20,000) square feet. The setback of structures shall be determined by the commission; and
- I. Upholstery shops.

SECTION 9. AMENDMENT OF CODE: Sections 14.74.030 and 14.74.040 of Title 14 are hereby replaced and section 14.74.050 is hereby added per the following, and the remaining sections renumbered accordingly:

14.74.030 R3-5 District requirements.

Not less than two parking spaces for each dwelling unit in a multiple-family unit or apartment, one of which shall be covered, shall be required.

14.74.040 R3-4.5 District requirements.

Not less than two parking spaces for each dwelling unit in a multiple-family unit or apartment, one of which shall be covered, shall be required.

14.74.050 R3-3 District requirements.

Not less than two parking spaces for each dwelling unit in a multiple-family unit or apartment, one of which shall be covered, shall be required.

SECTION 10. AMENDMENT OF CODE: Subsection 14.74.190(A)(1) of Title 14 is hereby replaced with the following, and subsections 14.74.190(A)(2) and 14.74.190(P) are hereby deleted and the remaining subsections renumbered accordingly:

A. Off-street parking facilities shall conform to the following standards:

1. Perpendicular parking space size. Each standard parking space shall consist of an area not less than nine feet wide by eighteen feet (18) feet long, except as noted on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.

SECTION 11. AMENDMENT OF CODE: Section 14.80.045 of Title 14 is hereby replaced with the following:

14.80.045 Hearings--Procedures for commercial districts.

Notwithstanding the provisions of Section 14.80.040 of this chapter, the planning commission shall be the decision-making body for conditional use permit applications in the CRS, CD, CS, CN or CT districts for businesses proposed in existing structures. This section shall not apply to conditional use permit applications that are subject to the requirements of Chapter 14.78 of this Title. All other applicable provisions of this chapter shall remain in effect. The action of the planning commission shall be final unless it is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action.

SECTION 12. AMENDMENT OF CODE: Subsection 14.80.060(F) of Title 14 is hereby replaced with the following:

F. When the proposed conditional use is a flag lot, the commission and council shall make a specific finding on each of the following issues. Any negative findings may result in denial of the use permit or in conditions of approval which alter the minimum development standards, e.g. height, floor area, and setbacks, for the district in which the property is located.

1. That the size of the proposed flag lot is sufficient to mitigate development impacts and is compatible with the existing lots in the immediate neighborhood;
2. That the proposed flag lot will not result in unreasonable noise impacts for neighbors adjoining the access corridor;
3. That the proposed flag lot will not result in unreasonable privacy invasion or unreasonable massing as a result of building height;
4. That the proposed flag lot will not result in incompatible setbacks from neighboring properties;

5. That the allowed floor area ratio in accordance with district regulations will not result in adverse impacts on neighboring properties;

SECTION 13. AMENDMENT OF CODE: Section 14.82.020 of Title 14 is hereby replaced with the following,

14.82.020 Purpose.

In order to avoid such practical difficulties, unnecessary physical hardships, and results inconsistent with the objectives of the zoning plans stated in Article 1 of Chapter 14.02, as would result from a strict or literal application of the provisions of this chapter, the board of adjustments may grant variances to the regulations controlling site area, width, depth and coverage, yards, and other open spaces, parking spaces, loading spaces, height of structures, allowable building floor area, and fences in accordance with the procedure prescribed in this chapter.

SECTION 14. ENVIRONMENTAL ANALYSIS. The amended zoning regulations set forth herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there is no possibility that these amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

SECTION 15. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 16. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 17. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on July 10, 2007 and was thereafter, at a regular meeting held on July 24, 2007 passed and adopted by the following vote:

Ayes: PACKARD, CARPENTER, CASAS, BECKER, COLE
Noes: NONE
Absent: NONE


Robert C. Cole, Mayor

Attest:

Susan Kitchens, City Clerk